IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL
ORIGINAL JURISDICTION

Dated: Nainital the 25th day of May 2005

Criminal Misc. Bail Application No.329/2005

Order on the bail application of accused

CRIMINAL SIDE

Mahavir S/o Jaimal
R/o village Mohamadpur
P.S. Khanpur
District Haridwar ……..Applicant

Versus

State of Uttaranchal ……Opposite Party

Arising out of case crime No.22 of 2005
U/s 302 I.P.C.
P.S. Laksar
District Haridwar

Hon'ble J.C.S. Rawat, J.

Heard Sri Parikshit Saini learned counsel for the applicant, Sri Vivek Shukla learned counsel for the complainant and learned A.G.A. for the State.

Perused the record. The learned counsel for the applicant contended that the F.I.R. was lodged against Babu Ram and Lallu on the basis of suspicion and the applicant was not named in the F.I.R. The learned counsel for the applicant further contended that the only evidence against the applicant is that the extra-judicial confession was made before the father of the deceased in the presence of Shishpal and Illam Chand on 15.2.2005, in which the name of the applicant came into light. The learned counsel for the applicant contended that the said extra-judicial confession, which was made before the father of the deceased, cannot be relied upon at this stage. The learned counsel for the applicant further contended that if the accused would have to confess his guilt, he would have gone to the police and would have recorded the statement under section 164 Cr.P.C. The learned counsel for the complaint refuted the contentions and contended that the evidence against the applicant is sufficient.

Considering the facts, totality of the circumstances of the case, it is a fit case for bail.

Let the applicant-accused be released on bail on executing a personal bond and two sureties each in the like amount to the satisfaction of the Judicial Magistrate, Laksar.

(J.C.S. Rawat, J.)

Dated 25.5.2005

LSR